

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                                  )  
Plaintiff,                   )  
                                  )  
vs.                            )  
                                  )  
SAMUEL AVENDANO-PEREZ,    )  
                                  )  
Defendant.                   )

8:15CR271  
ORDER

This matter is before the court on the motion to continue by defendant Samuel Avendano-Perez (Avendano-Perez) (Filing No. 19). Avendano-Perez seeks a thirty-day continuance of the trial of this matter. Avendano-Perez's counsel represents Avendano-Perez will file an affidavit whereby Avendano-Perez consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Avendano-Perez's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted.

**IT IS ORDERED:**

1. Avendano-Perez's motion to continue trial (Filing No. 19) is granted.
2. Trial of this matter is re-scheduled for **December 14, 2015**, before Senior Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **October 22, 2015, and December 14, 2015**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 22nd day of October, 2015.

BY THE COURT:  
s/ Thomas D. Thalken  
United States Magistrate Judge